

**East Central Phoenix (ECP) Water Quality Assurance Revolving Fund (WQARF) Sites
Community Advisory Board (CAB) Meeting**

Wednesday, March 12, 2008

Starting at 6:00 p.m.

Arizona Department of Environmental Quality, Room 145
1110 West Washington St., Phoenix, Arizona 85007

DRAFT MINUTES

Ref: OU #08-144

CAB members present: Laura M. Ruffalo, Jolene Morris, Richard Siegel, Randy Dahl, Joseph Smith, Barbara St. Mary, and Ron Fraser

ADEQ Staff in attendance: Julie Riemenschneider, Remedial Projects Unit Manager; Michael Beasley, Project Manager; and Delfina Olivarez, Community Involvement Coordinator

Members of the public present: Andre Chiaradia and Lily Bermejo

The following matters were discussed, considered, and decided upon at the meeting:

1. Welcome/Introductions

Ms. Delfina Olivarez thanked everyone for attending the first East Central Phoenix Community Advisory Board (CAB) meeting and started the meeting with introductions of everyone present.

2. Overview of the WQARF Program

Ms. Julie Riemenschneider explained that the Water Quality Assurance Revolving Fund (WQARF) Program is the Arizona State Superfund program that was enacted with an Environmental Quality Act in 1986. WQARF conducts statewide soil and groundwater emergency remedial actions (when needed), and long-term remedial actions. The WQARF Program is funded by the Arizona Legislature, reimbursement funds from responsible parties, and civil and criminal penalties. WQARF has no federal money and does not work under federal law. The State Superfund or WQARF program has thirty-five sites listed with twenty-two located in Maricopa County. Ms. Riemenschneider talked specifically about the following stages in the WQARF process:

- **Preliminary Investigation (PI)** – After the Arizona Department of Environmental Quality (ADEQ) receives information about a potential release of a hazardous substance(s), ADEQ conducts a PI where groundwater sampling and preliminary investigations are performed. The site is then scored and a determination is made about whether the site will be put on the WQARF Registry List or not.

- **Early Response Action (ERA)** - An ERA will be performed if immediate action is needed to stop leaching of contamination into the soil and groundwater.
- **Remedial Investigation (RI)** - In this phase a public notice is issued and potential responsible parties are contacted to notify them that the ADEQ is moving into the RI phase. ADEQ will also form a CAB. The RI process will determine the extent and nature of contamination found at the site, attempt to identify the location of the source(s) of contamination, identify any risk(s) to humans and/or the environment, and identify appropriate remediation or clean-up goals. Once the RI Report is completed and published, there is a public notice period where the public is notified via the newspaper(s) and ADEQ's Web site. There is also a public meeting during this time to discuss the RI Report and the remedial objectives (ROs) of the RI Report.
- **Feasibility Study (FS)** - After the RI, an FS is prepared which analyzes potential clean-up methods for achieving the remediation objectives (RO) determined during the RI.
- **Proposed Remedial Action Plan (PRAP)** - A PRAP is prepared and lists any/all the responsible parties with an allocation assigned to them. The liability applied for cleanup costs is proportionate.
- **Record of Decision (ROD)** - The ROD explains the remedial action plan that has been selected for the site. The decision is based on information and technical analysis generated during the RI/FS and public comment on the PRAP. Ms. Riemenschneider explained that as a CAB they will go through all of the WQARF processes with ADEQ for the remediation of the East Central Phoenix WQARF Sites.

3. Overview of Site Background and Activities

Mr. Michael Beasley started out introducing all six sites or areas of contamination in the East Central Phoenix (ECP) Water Quality Assurance Revolving Fund (WQARF) Area. Mr. Beasley showed on a map where these sites are and their possible sources:

- **24th Street and Grand Canal** contains a Salt River Project (SRP) well at this site that shows contamination.
- **32nd Street and Indian School Road** has two plumes: there is a north plume and a south, which are the result of two dry cleaners, and there is also another SRP well nearby.
- **38th Street and Indian School Road** is the site of an old dry cleaner and is currently the site of a new dry cleaner.
- **40th Street and Indian School Road** is the site of a former and current dry cleaner.
- **48th Street and Indian School Road** contains an active SRP well that is not impacted at this location, and SRP is working with ADEQ to help keep this well from being impacted.
- **40th Street and Osborn Road** contains an SRP well at this site that is contaminated.

Mr. Beasley then gave background information on the ECP area explaining that ADEQ has conducted investigations in the area and that SRP reported contamination in three of their wells. The ECP Study Area was placed on the WQARF Registry in 1987. ADEQ found that tetrachloroethene (PCE) is the main contaminant of concern and that trichloroethene (TCE) is also present.

Mr. Beasley then stated that he would be informing and educating them on the environment and give them detailed background and current information for each and all of the individual sites with planned site activities. Mr. Beasley asked the CAB for their suggestions on what they would like to see and hear in the future with respect to the ECP sites and opened the discussion for questions.

One CAB member asked where the drinking water for the ECP area came from. Mr. Beasley replied that it was from groundwater that was “very deep, usually in the 600 to 800 foot range”. This water has to go through purification at the water treatment plants to meet state and federal standards before anyone drinks it.

4. Distribution and Review of CAB Notebooks

Ms. Delfina Olivarez explained that the CAB notebooks were theirs to keep. Ms. Olivarez went on to describe every section of the notebook that contains a place for all of the ECP meeting handouts. She showed them where there is a section for the meeting agendas, minutes, the purpose and responsibilities of the CAB, statutes and legal policies, site information and fact sheets, the community involvement plan and a glossary of terms.

5. Community Advisory Board Roles, Responsibilities and Open Meeting Law

Ms. Olivarez explained that the main purpose of a CAB is to advise ADEQ, the public and interested parties of issues, concerns and opportunities related to the efficient remediation or cleanup of the site. Ms. Olivarez shared that CABs follow the Open Meeting Law as entities created by state law. The Arizona Revised Statutes (A.R.S.) that enable the CAB to function are as follows:

- **289.03(E)** states that each community advisory board shall be composed of at least five but no more than twenty members. Applications for membership and the names of the applicants shall be publicly available. CAB members may serve on more than one CAB, and multiple sites may share a CAB to avoid unnecessary multiple boards. The members of the CAB shall be chosen to represent a diversified cross-section of the community with an appropriate balance of interested parties and affected groups.
- **289.03(F)** states a charter is to be developed defining operating procedures, membership obligations and terms, goals for developing issues, concerns and opportunities related to the efficient remediation of the site. The CAB meets at least four times a year with ADEQ to receive site briefings, progress reports, and other pertinent information. The CAB coordinates with ADEQ for understanding of the remediation process and community involvement.
- **Open Meeting Law (OML)** offers the public the opportunity to witness legal action that may be decided upon by the board. OML describes a meeting as the gathering, in person or through technological devices, of a quorum of members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action. If a quorum is not reached presentations can still take place, but no decisions can be made. OML requires minutes to be taken of each meeting that gives the who, what, when and where of everything presented at the public meeting.

6. Discussion of CAB Charter, nomination and voting on CAB Co-Chairs

Ms. Olivarez explained that the CAB charter is an outline of the purpose and function of the CAB. The charter talks about how the meetings will be conducted and about the body and membership of the CAB. The CAB decided that their community involvement coordinator, Delfina Olivarez, would write the charter for the East Central Phoenix CAB, and if they had any changes or additions to the charter, they would contact Ms. Olivarez with their changes. The draft charter for the ECP WQARF sites will be voted on at the next CAB meeting tentatively scheduled for June 10, 2008.

The ECP CAB voted on co-chairs, Jolene Morris nominated Richard Siegel and was seconded by Richard Siegel; Jolene Morris was nominated by Richard Siegel and was seconded by Joseph Smith. Richard Siegel and Jolene Morris were voted in by majority and accepted to serve as the Co-Chairs for the East Central Phoenix WQARF site for the next year.

7. Distribution of WQARF Annual Registry Report

The WQARF Annual Registry Report was given to each CAB member, and will be discussed as an agenda item at the next CAB meeting.

8. Call to the Public

No questions or comments were received from the public.

9. Future Meeting Plans/Agenda Discussion

The CAB decided that Tuesday, June 10, 2008, was good for all. It was decided that unless someone could find an alternate location, the meeting would be held at ADEQ.

10. Adjournment

Richard Siegel adjourned the meeting. All were in favor.

CAB PRESENTATION

East Central Phoenix CAB
Meeting

March 12, 2008

What Does A CAB Do?

- Holds meetings that are open to the public
- Provides comments and input on site cleanup and community involvement activities
- Shares information with the community and promotes public participation

CAB Legal Requirements

- A.R.S. § 49-289.03 (E)
- A.R.S. § 49-289.03 (F)
- A.R.S. § 49-289.03 (G)
- CABs fall under jurisdiction and must follow the requirements of the Open Meeting Law as entities created by state law.

CAB Legal Requirements A.R.S. § 49-289.03 (E) states

Each CAB shall advise ADEQ, the public, and the responsible parties of issues, concerns and opportunities related to the expeditious clean-up of the site.

Each community advisory board shall be composed of at least five but no more than twenty members.

Applications for membership on the CAB and the names of the applicants shall be publicly available.

CAB members may serve on more than one CAB and multiple sites may share a CAB to avoid unnecessary multiple boards.

The members of the CAB shall be chosen to represent a diversified cross-section of the community with an appropriate balance of interested parties and affected groups.

CAB Legal Requirements A.R.S. § 289.03 (F)

- Develop a charter defining at a minimum:
 - Operating procedures
 - Membership terms and obligations
 - Goals for developing issues, concerns and opportunities related to the expeditious clean-up of the site
 - Opportunities related to the public access and understanding of the remediation process

CAB Legal Requirements

- A.R.S. § 49.289.03 (F)
- Meet at least four times a year with ADEQ to receive site briefings, progress reports, and other pertinent information.
- Coordinate with ADEQ to establish local repositories that will have major milestones and CAB information.

Open Meeting Law

- Offers the public the opportunity to witness legal action that may be decided upon by the board.
 - Example of board decision: to recommend action to ADEQ
- Recommended that site related issues NOT be discussed outside of a public meeting between CAB members. Public information should still be disseminated to the public.
- OML applies to e-mail correspondence between board members

Open Meeting Law Cont'd

- Chapter 7.5.1 of the Arizona Agency Handbook describes a meeting as: "the gathering, in person or through technological devices, of a quorum of members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action"
- A.R.S. §38-431 through 431.09 state that Advisory Committees are subject to OML
- If a quorum is not reached, no meeting?

Open Meeting Law Cont'd

- As per A.R.S. §38-431.01 - "...For meetings other than executive sessions, such minutes or recording shall include, but not be limited to:
 - The date, time and place of the meeting.
 - The members of the public body recorded as either present or absent.
 - A general description of the matters considered.
 - An accurate description of all legal actions proposed, discussed or taken, and the names of members who propose each motion. The minutes shall also include the names of the persons, as given, making statements or presenting material to the public body and a reference to the legal action about which they made statements or presented material.
- Questions? Call AG's Office, 602-542-4266

CAB Role and Responsibilities

- Participate in CAB Meeting
- Advise, and provide input and information to ADEQ on site issues
- Share information with fellow community members
- Be prepared to represent not only your own views, but also those of the community members you represent.

ADEQ's Role:

- Coordinate with the CAB co-chairs to set agendas
- Develop, post, and send meeting notices
- Record, print and distribute meeting minutes and other information as needed
- Assist in the promotion of CAB meeting

ADEQ's Role Cont'd:

- Provide the CAB with information and technical expertise on the site clean-up
- Facilitate discussion of pertinent issues and concerns
- Listen and respond to views on site remediation expressed by CAB members
- Aid in preventing OML violations

Co-Chair Responsibilities:

- Conduct meetings and ensure that the adopted CAB charter and operating procedures are followed.
- Set Agenda in coordination with ADEQ and make sure agenda topics are related to the site

CAB Co-Chair Responsibilities

Cont'd:

- Ensure that all pertinent community concerns are raised for discussion and consideration
- Prevent unrelated neighborhood issues from being discussed and make sure agenda is followed

Keys to Success

- Participation by all parts of the community
- Open to all viewpoints
- Support from the whole community
- Works openly and honestly with ADEQ to benefit the goals of the site and the community.

East Central Phoenix WQARF Sites Phoenix, Arizona

March 12, 2008

ADEQ Project Manager

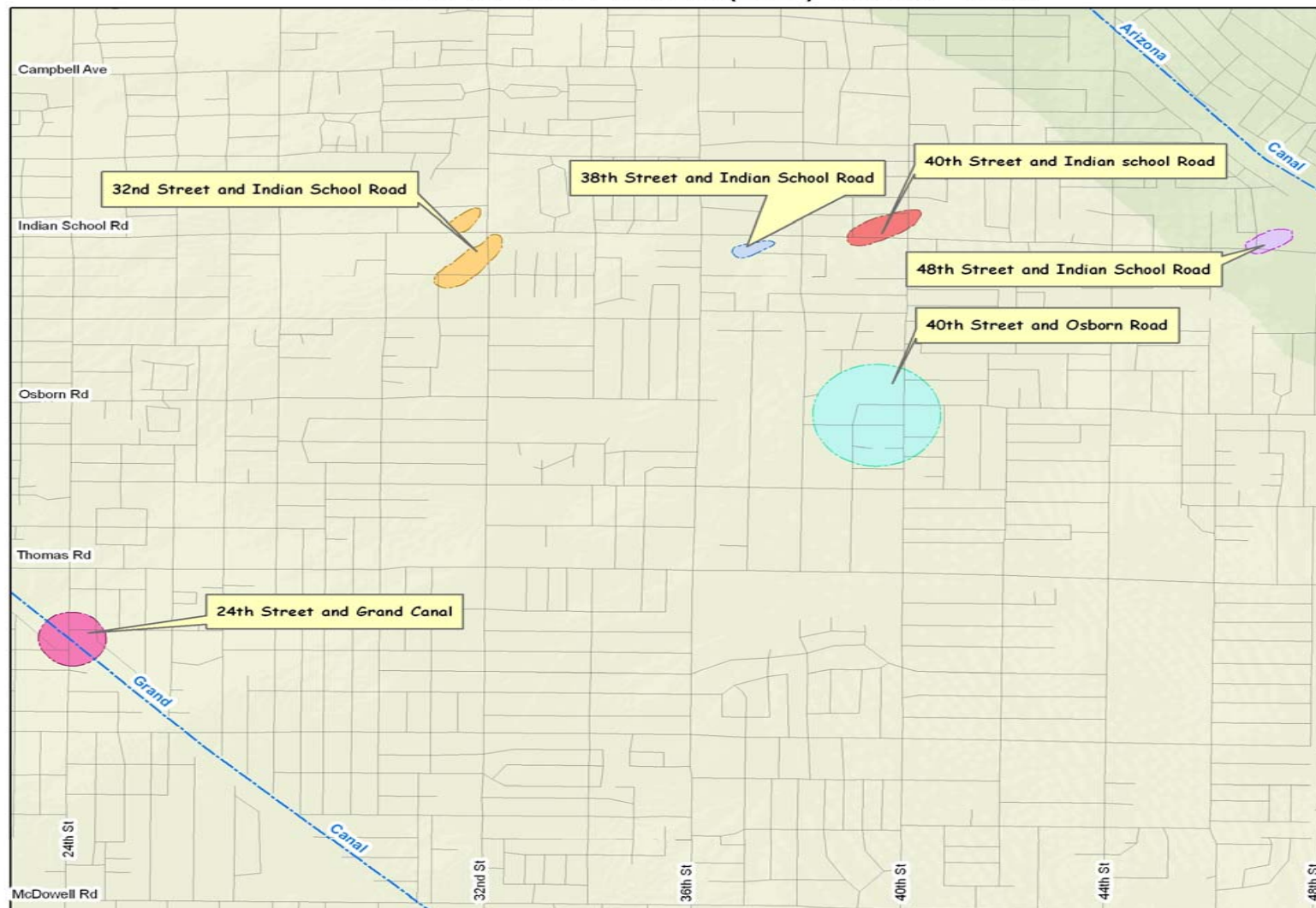
Mike Beasley

Contents...

- East Central Phoenix (ECP) WQARF Sites
- ECP Background
- Next CAB Meeting
- Other/Future Activities

ECP WQARF SITES

East Central Phoenix (ECP) WQARF Sites



- Legend**
- Canals
 - Roads
 - 48th Street and Indian School Road Plume
 - 40th Street and Osborn Road Plume
 - 40th Street and Indian School Road Plume
 - 38th Street and Indian School Road Plume
 - 32nd Street and Indian School Road Plume
 - 24th Street and Grand Canal Plume



0.4

Miles

Phoenix, Arizona
December, 2007

WASTE PROGRAMS DIVISION
GIS and Data Management Unit

Map produced by Arizona Department of
Environmental Quality (ADEQ), GIS and
Data Management Unit, TS Summers
D:\Waste\work\wqar\remedial_projects\superfund\
Phoenix\2007\WQARF\Project 071
ECP-Project071.mxd

Data Sources: Arizona Department of
Environmental Quality, Arizona Land Resources
Information System, Arizona Department of
Transportation, Image: Maricopa County 2004
Projection: UTM, NAD 83, Meters

"Site boundaries depicted on the site map represent
ADEQ's interpretation of data available at the time
the map was constructed. The map is intended to
provide the public with basic information as to the
estimated geographic extent of known contamination
as of the date of map production. The actual
extent of contamination may be different. Therefore,
the geographic boundaries for this site may change
in the future as new information becomes available."

ECP WQARF Sites (6)

- 24th Street and Grand Canal
- 32nd Street and Indian School Road
- 38th Street and Indian School Road
- 40th Street and Indian School Road
- 40th Street and Osborn Road
- 48th Street and Indian School Road

ECP Background

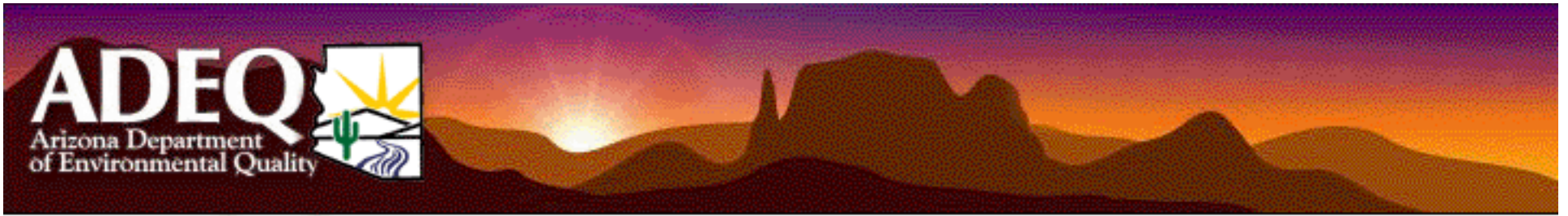
- PCE (tetrachloroethene) Is Main Contaminant of Concern, TCE (trichloroethene) Is Also Present
- ECP Placed on WQARF Priority List in 1987
- Salt River Project (SRP) Reported Contamination in 3 Wells

ECP Background (con't)

- Investigations Of Many Facilities That Used Chemical Substances
- At Several Sites Contamination was Associated with Several Dry Cleaners

Future CAB Meetings

- Environmental 101
- Brief Background For Individual Sites
- Planned Site Activities
- Your Suggestions For What You Would Like To See/Hear



Questions?

Water Quality Assurance Revolving Fund (WQARF) Arizona

March 12, 2008

ADEQ Remedial Projects Unit manager

Julie Riemenschneider

Water Quality Assurance Revolving Fund Program (WQARF)

- Arizona's version of the federal "superfund" program
- 35 sites listed on the WQARF Registry
- Funded up to \$18 million per year by the legislature A.R.S 49§282

- Cleanup of contaminated soil and groundwater at Registry sites is accomplished by
 - Using funds allocated to the program
 - Reimbursement from responsible parties
 - Compelling responsible parties to complete the work
- Liability scheme is proportionate

